

Amendment and Response

Applicant: Thomas M. Soukup et al.

Serial No.: 10/752,466

Filed: January 6, 2004

Docket No.: H583.104.102

Title: STEERABLE STYLET

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed November 9, 2010. Claims 60, 61, and 63-99 were rejected. With this Response, claims 60 and 80 have been amended. Claims 60, 61, and 63-99 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103¹

The Examiner rejected claims 60, 61, 63, 64, 66, 77-84, 86, and 97-99 under 35 U.S.C. § 102(e) as being anticipated by the Cookston et al. U.S. Patent No. 6,132,390 in view of the Lundquist et al. U.S. Patent No. 6,033,378. The Examiner rejected claims 65 and 85 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Lundquist et al. U.S. Patent No. 6,033,378 and in further view of the Erickson et al. U.S. Patent No. 5,755,695. The Examiner rejected claims 67-74, 76, 87-94, and 96 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Lundquist et al. U.S. Patent No. 6,033,378 and in further view of the Rosenman et al. U.S. Patent Application Publication No. 2003/0229386. The Examiner rejected claims 75 and 95 under 35 U.S.C. § 103(a) as being unpatentable over the Cookston et al. U.S. Patent No. 6,132,390 in view of the Lundquist et al. U.S. Patent No. 6,033,378 and in further view of the Hata et al. U.S. Patent No. 6,611,720. The amended claims are not taught or suggested.

As amended, claim 60 includes, *inter alia*, a spring within the housing and operably arranged between the adjustable tensioner mechanism and the proximal end portion of the core wire to ***form a safety mechanism to blunt excessive force and prevent breakage of the stylet wire*** from the tension force applied between the core wire and the stylet wire whenever the adjustable tensioner mechanism is adjusted. This is not taught or suggested in the art of record.

In the prior response filed December 16, 2009, Applicant has already detailed how Crookston fails to teach or suggest a spring as claimed provided to limit the tension force and prevent breakage of the stylet wire. Apparently, the Examiner agrees, but did not feel this was

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recited in the claims. Accordingly, Applicant amended claim 60, and similarly amended claim 80, to specifically incorporate this feature. As such, it is believed that the claims are now in condition for allowance. The dependent claims are allowable as depending from these allowable independent claims 60 and 80.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(e) and § 103(a) rejections to the claims, and requests allowance of these claims.

¹ Applicant notes that the Examiner quotes and cites Section 103 in the heading above paragraphs 2 and 3 in the Office Action, but lists Section 102(e) in paragraph 3. Because the rejection is made in view of two references, it is assumed that the reference to Section 102 was an error.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 60, 61, and 63-99 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 60, 61, and 63-99 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

Please consider this a Petition for Extension of Time for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 500471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Paul P. Kempf at Telephone No. (612) 767-2502, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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